

EFFECTIVE DATE: APRIL 16, 2007

United States Bankruptcy Court

Northern District of Georgia

(Draft) Policy and Procedure Regarding Electronic Availability of Transcript of Court Proceedings

The United States Bankruptcy Court for the Northern District of Georgia digitally records its proceedings. Transcriptions of these proceedings are made only when ordered. Such transcriptions, when completed by the transcriber, are filed with the Court and are thereafter placed on CM/ECF to be made available to the public. In accordance with the policy of the Judicial Conference of the United States regarding Electronic Availability of Transcript of Court Proceedings, the Court will permit any person about whom private information is disclosed in a proceeding in this Court to request redaction of the following personal information from the transcript of such proceedings before it is made available to the public on CM/ECF: Social Security number, financial account numbers, date of birth, names of minor children, and home addresses. In addition to these specific personal data identifiers, other information, as described in Section C of this policy, may be redacted in certain circumstances. This Policy applies only to transcripts that are available electronically. The policy with respect to transcripts that are not available electronically is unchanged. The following procedure shall apply to requests for redaction:

SECTION A: GENERAL

1. This Policy applies only to transcripts that are available electronically on CM/ECF.
2. This policy shall not prevent the Court Reporter/Transcriber from providing the un-redacted transcript to the requesting party in accordance with its customary procedures.

SECTION B: PERSONAL DATA IDENTIFIERS

1. The Court will post on its website, in the Office of the Clerk and in each courtroom a "Notice to Hearing Participants Regarding Redaction of Private Information From Hearing Transcript." The Notice will notify hearing participants that they may request redaction (from transcripts made available electronically only (see Section A(1)) of certain private information that might have been disclosed at the hearing by filing with the Court a "Notice of Redaction" within fifteen calendar days of the hearing date. The Notice of Redaction will be docketed by the Clerk and will be used by the Clerk in the event a request for a transcript of the proceeding is submitted to the Court. The party requesting a redaction must serve the Notice of Redaction on all hearing participants.
2. If the Court receives a request for transcript of the proceedings, the Court will, in turn, request that the Court Reporter/Transcriber create a transcript of the proceedings.
3. Within three business days of the Official File Date (i.e. the date that the Court Reporter/Transcriber files the transcript with the Court), the Clerk shall send to each person who filed a Notice of Redaction notification that the transcript was filed and a copy of the Notice to Hearing Participants Regarding Redaction of Private Information From Hearing Transcript.
4. The Clerk shall not make the transcript available to the public for a period of at least twenty-one calendar days from the Official File Date (the "Redaction Period.")
5. Within the Redaction Period, any person who filed a Notice of Redaction and who was sent the notification in Section B(3) by the Clerk shall request a transcript directly from the Court Reporter/Transcriber, with payment of applicable fees.
6. Within the Redaction Period, any person who filed a Notice of Redaction and who was sent the notification in Section B(3) by the Clerk shall send to the Court Reporter/Transcriber a Redaction Statement stating the page numbers and

lines in the transcript where personal data identifiers appear and requesting redaction of same. If a person who filed a Notice of Redaction and who was sent the notification in Section B(3) does not file a Redaction Statement during the Redaction Period (and if there are no other requests for redaction pending, or no pending Motions, as described in Section C), the Clerk shall make the transcript available to the public within three business days of the conclusion of the Redaction Period.

7. The Redaction Statement should not be filed with the Court, but the person requesting a redaction, on the date the Redaction Statement is submitted to the Court Reporter/Transcriber, shall file with the Court a Notification of Request for Redaction which certifies to the Court that a Statement of Redaction was submitted to the Court Reporter/Transcriber and the date on which it was submitted.
8. After receiving the Redaction Statement, the Court Reporter/Transcriber shall redact the personal data identifiers as follows:
 - a. Social Security number (all but the last four digits);
 - b. Financial account numbers (all but the last four digits);
 - c. Full dates of birth (all but the year);
 - d. Full names of minor children (all but the initials); and
 - e. Full home addresses (all but the city and state).
9. The Court Reporter/Transcriber shall file the redacted transcript with the Court.
10. The Clerk shall make the redacted transcript available to the public within three business days of the date it is received from the Court Reporter/Transcriber.
11. If no person files a Notice of Redaction within fifteen calendar days after the hearing date, the Clerk shall make the transcript available to the public within three business days of the Official File Date.
12. Any hearing participant may file a response with the Court objecting to the Notice of Redaction. The response shall be served on all hearing participants by the objecting party.

SECTION C: INFORMATION OTHER THAN PERSONAL DATA IDENTIFIERS

1. Section B(1) shall apply. The Notice from the Clerk mentioned in Section B(1) shall also advise the hearing participants of the right to request redaction of information other than the personal data identifiers described in Section B(6) by filing with the Court a Motion to Redact Information Other Than Personal Data Identifiers. The information covered by this Section C shall be of a kind that is highly sensitive, the disclosure of which might threaten the privacy of the hearing participant (or a related person) so as to warrant special protection from public access and shall be as determined by the Court on a case by case basis.
2. If the Court receives a request for transcript of the proceedings, the Court will request that the Court Reporter/Transcriber create a transcript of the proceedings.
3. Within three business days of the Official File Date, the Clerk shall send to each person who filed a Notice of Redaction notification that the transcript was filed and a copy of the Notice to Hearing Participants Regarding Redaction of Private Information From Hearing Transcript.
4. Within the Redaction Period, any person who filed a Notice of Redaction and who received the notification in Section C(3) from the Clerk shall request a transcript directly from the Court Reporter/Transcriber, with payment of applicable fees.
5. Within the Redaction Period, any person who filed a Notice of Redaction and who received the notification in Section C(3) from the Clerk shall file with the Court, if applicable, a Motion to Redact Information Other Than Personal Data Identifiers. The Motion shall identify the information to be redacted and shall be served on all hearing participants by the person filing the Motion. If a Motion is not filed within the Redaction Period (and if there are no other Motions or requests for redaction pending), the Clerk shall make the transcript available to the public within three business days of the conclusion of the Redaction Period.

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6. The person filing the Motion may request to file the Motion under seal in accordance with applicable procedures of this Court.
7. If a Motion to Redact Information Other Than Personal Data Identifiers is filed within the Redaction Period, the Clerk shall ensure the transcript is not made available to the public until further order of the Court.
8. If the Court grants the Motion, the person who filed the Motion shall, within five business days of the date of the Court Order, submit directly to the Court Reporter/Transcriber a Redaction Statement indicating where in the transcript the information to be redacted appears and requesting redaction of same. If a Redaction Statement is not filed within these five business days (and if there are no other Motions or requests for redaction pending), the Clerk shall make the transcript available to the public within three business days of the conclusion of this five business days period.
9. The Redaction Statement should not be filed with the Court, but the person requesting a redaction, on the date the Redaction Statement is submitted to the Court Reporter/Transcriber, shall file with the Court a Notification of Request for Redaction which informs the Court that a Statement of Redaction was submitted to the Court Reporter/Transcriber and the date on which it was submitted.
10. After receiving the Redaction Statement, the Court Reporter/Transcriber shall redact the information as identified and shall file the redacted transcript with the Court.
11. The Clerk shall make the redacted transcript available to the public within three business days of the day it is received from the Court Reporter/Transcriber.
12. If the Court does not grant the Motion, the Clerk shall make the transcript available to the public within three business days of the date the Court Order is entered.
13. If no person files a Notice of Redaction within fifteen calendar days after the hearing date, the Clerk shall make the transcript available to the public within

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three business days of the Official File Date.

14. Any hearing participant may file a response with the Court objecting to the Motion to Redact Information Other Than Personal Data Identifiers. The response shall be served on all hearing participants by the objecting party.

SECTION D. EXTENSION OF TIME PERIODS

1. The Court, for good cause, may on its own motion or upon motion of a hearing participant, extend any deadline of these procedures.
2. All motions for extension of time shall be filed before expiration of the deadline for which the extension is sought.

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